



Agenda Date
Agenda Item:

STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)	RENEWAL
COMCAST CABLEVISION OF NEW JERSEY,)	<u>CERTIFICATE OF APPROVAL</u>
INC. FOR A RENEWAL CERTIFICATE OF)	
APPROVAL TO CONTINUE TO OPERATE)	
AND MAINTAIN A CABLE TELEVISION)	
SYSTEM IN AND FOR THE TOWNSHIP)	
OF CRANFORD, COUNTY OF UNION,)	
STATE OF NEW JERSEY)	DOCKET NO. CE99120911

Stryker, Tams and Dill, Newark, New Jersey, by Janice Manganello, Esq., for the Petitioner.

Township Clerk, Township of Cranford, New Jersey, by Rosalie Hellenbrecht, for the Township.

BY THE BOARD:

On August 3, 1979, the Board granted Suburban Cablevision ("Suburban") a Certificate of Approval in Docket No. 796C-6487, for the construction, operation and maintenance of a cable television system in the Township of Cranford ("Township"). On December 5, 1990, the Board approved the renewal of Suburban's Certificate of Approval in Docket No. CE89120988. On November 30, 1994, the Board approved the acquisition of the shares of the parent company of Suburban Cablevision, Maclean Hunter, Inc., by Comcast MH Holdings, Inc. in Docket No. CM94080365. The company is now known as Comcast Cablevision of New Jersey, Inc. ("Petitioner"). Although the Petitioner's Certificate expired on August 3, 1999, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Township on November 2, 1998, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner on October 26, 1999. The Petitioner formally accepted the terms and conditions of the ordinance on November 8, 1999, in accordance with N.J.S.A. 48:5A-24.

On December 3, 1999, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, these qualifications were reviewed by the Township in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years. The Office of Cable Television finds this period to be of reasonable duration.
5. The Township may review the performance of the Petitioner with regard to the ordinance at any time. If the Township determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, it must provide written notice and opportunity to cure to the Petitioner within 90 days. If, after such reasonable notice and opportunity to cure, the Petitioner still has not cured any such findings of non-compliance, the Township may petition the Board for appropriate administrative action.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office for the purpose of receiving, investigating and resolving complaints. Currently, the local business office serving this provision is located at 800 Rahway Avenue in Union.

9. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
11. The Petitioner completed an upgrade of the cable television system serving the Township to 750 MHz, using "fiber to the node" architecture as of December 31, 1997.
12. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels, facilities and support personnel in accordance with its application and the Township's ordinance.
13. The Petitioner shall continue to provide one dedicated municipal government access channel, currently Channel 35, for use by the Township and its designees. The Petitioner shall continue to maintain the fiber optic return lines originating from the Township's Municipal Building and from 32 North Avenue West. The Petitioner shall also continue to provide one system wide local access channel, currently Channel 57 and one system-wide leased or commercial access channel.
14. Within 12 months of the receipt of written notice from the Township, in the form of a council resolution, the Petitioner shall activate a second dedicated governmental/educational access channel for the Township. The Petitioner shall construct a dedicated fiber optic return line for that channel from the municipal pool complex and from Cranford High School
15. Within 12 months of the receipt of this Certificate, the Petitioner shall provide the Township a capital contribution in the amount of \$75,000.00 for the purpose of video production equipment or to be otherwise used, as the Township deems appropriate for cable-related purposes. Within 12 months of the receipt of this Certificate, the Petitioner shall construct a link from the Township's Community Center/Library to the television studio at the Municipal Building, for the purpose of transporting local access programming from that location.
16. In addition to the above, the Petitioner maintains studio facilities in Woodbridge Township and Union Township for the creation of local origination and access programming production.

17. The Petitioner shall continue to provide total preferred cable service of one outlet, free of charge, to the Township Hall and to each police, fire, first aid, public library, community center and emergency management facility in the Township, provided that the facility is within 200' of active cable distribution plant. The Petitioner shall also continue to provide total preferred cable service of one outlet, free of charge, to each school in the Township, provided that the school is within 200' of active cable distribution plant. Each additional outlet installed above shall be paid for by the Township or school, however, the Petitioner shall waive monthly service charges for additional outlets.
18. The Petitioner shall provide one free basic Internet access service, via high-speed modem, to one non-networked personal computer to each public and private school and library in the Township. The computer shall be for student or public use and shall not be used for administrative purposes only.
19. Upon reasonable written request of the Township, the Petitioner shall meet at least once annually at a public hearing of the Township Council or before the Township Cable Television Advisory Committee to discuss matters pertaining to the provision of cable service to residents of the Township and other related issues as the Township and Petitioner may see fit.

Based upon these findings, the Board HEREBY CONCLUDES pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions, and limitations set forth herein, may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on August 3, 2014.

DATED: April 19, 2000

BOARD OF PUBLIC UTILITIES
BY:

(signed)

HERBERT H. TATE
PRESIDENT

(signed)

CARMEN J. ARMENTI
COMMISSIONER

(signed)

FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

(signed)

EDWARD D. BESLOW
ACTING SECRETARY